

# NEWS FROM ED MARKEY

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**CONTACT: Tara McGuinness**

**Michal Freedhoff**

**(202) 225-2836**

## **REP. MARKEY, SENATOR CLINTON LAUNCH LEGISLATION TO PREVENT A DIRTY BOMB ATTACK**

*NRC Reports more than 1500 radioactive sources stolen in the past five years,  
less than half have been found*

**Washington, DC:** Representative Edward J. Markey (D-MA), a senior Member of the Homeland Security Committee and the House Energy and Commerce Committee, the panel which oversees the regulation of nuclear reactors, and Senator Hillary Rodham Clinton (D-NY), today introduced a new version of the Dirty Bomb Prevention Act.

“We have known for some time that Al Qaeda is trying to build dirty bombs or homemade nuclear weapons – documents with nuclear information have turned up in caves in Afghanistan, and other intelligence and terror alerts have made explicit mention of the threat of radiological bombs,” said Rep. Markey. “Yet security associated with these materials is sorely lacking.”

“As a nation, we must be concerned that radioactive material used to make a dirty bomb is widely available in our country. Alarming, radioactive material is not subject to the level of control needed to keep it out of the hands of terrorists,” said Senator Clinton. “It is clear that we need to do a better job. This legislation will help close the gaps in controlling these materials and keeping them out of the hands of those who wish to do our country harm.”

The threat to public health and safety that a dirty bomb presents is serious. In 1987, scavengers in Brazil opened an abandoned canister containing 1400 Curies of powdered cesium and circulated its contents among the community, which resulted in 244 people contaminated, 54 people hospitalized, 19 people with radiation-induced skin burns, and 4 people dead. And former Nuclear Regulatory Commission (NRC) Chairman Meserve stated that a dirty bomb containing a mere 1 Curie of radioactive materials could “spread low-level contamination over an area of several city blocks, possibly resulting in restriction of the area until the area was surveyed and decontaminated.”

Recent investigative work conducted by Rep. Markey’s office as well as correspondence sent by the NRC to Rep. Markey indicates that:

- In the past 5 years, the Nuclear Regulatory Commission reported that of the more than 1500 radioactive sources that have been reported lost or stolen in the U.S., less than half have been found. The NRC has also admitted that it stopped tracking radioactive sources by serial number in 1984.
- Last summer, an online vendor listed a 1720 Curie cobalt source, available for *free* to anyone willing to pay for its shipping (see <http://www.dotmed.com/listing/65123>). 1720 Curies is more than enough radiation to kill a human being within minutes of exposure, and it is likely that the source is in a semi-dispersible form of metal pellets that could be particularly damaging if used in a dirty bomb. When Rep. Markey’s staff contacted the vendor to determine whether the offer was genuine, it was learned that the vendor is located in Beirut, Lebanon, and that the source is available to anyone who can arrange for it to be dismantled and shipped. Numerous other websites were determined to provide radioactive sources for sale or trade. The NRC does not monitor or attempt to educate the operators of these websites to ensure that radioactive sources are not provided to unauthorized recipients.

- The NRC was unable to respond to Rep. Markey's request for a list of medical devices containing radioactive sources that have been exported because it had no idea how many of these devices have left the U.S., or to which country they were sent.
- U.S. Customs does not screen every package entering the U.S. from abroad to ensure that it is not leaking radiation. Radiation detectors are not located all ports of entry to the U.S., in vehicles used to deliver packages, or in facilities used to store packages for shipment to or within the U.S, and the radiation detectors that are in place at some ports have technical limitations. Recently, a package imported from Russia by Halliburton Energy Services was missing for several months before Halliburton even reported its loss to the NRC. The package turned out to have been sitting in a warehouse in Chelsea, MA after having been mistakenly shipped there.
- The Department of Energy (DOE) exported numerous radiation sources, in addition to nuclear fuel, overseas for research and other purposes, including to countries such as Iran and Pakistan, but has not arranged for all of them to be secured or returned to the U.S.

The bill introduced today by Rep. Markey and Senator Clinton aims to correct serious deficiencies in nuclear security. The Dirty Bomb Prevention Act would provide for the following actions to close gaps in our control and oversight of these materials.

- 1) Before an export, import or domestic sale of a radiation source is allowed, the regulatory agency in the recipient's country is required to certify that the recipient is authorized to possess it, and that it will be kept safe and secure. For exports from the U.S., there must also be a plan in place for the exporter to re-acquire the radiation source when it is no longer needed by the recipient. The radiation sources included are those designated as Categories 1-3 by the International Atomic Energy Agency (IAEA), as these are the types of materials (in quantities designated by the IAEA) that would be expected to threaten public health if used in a dirty bomb. The Nuclear Regulatory Commission (NRC) has proposed regulations that will accomplish some but not all of the requirements in the Act.
- 2) Within 6 months of enactment, the NRC must develop a "cradle-to-grave" tracking system recommended by many security experts to ensure that it will be aware of where all radiation sources within the U.S., are located, and promptly informed whenever a radiation source changes geographic location. The NRC currently views the provision of such information to be voluntary, and does not expect to have a tracking system in place until 2007.
- 3) The National Academy of Sciences must conduct an assessment of whether some current industrial uses of radiation sources could be replaced with non-radioactive or less dangerous radioactive materials.
- 4) An inter-agency task force on radiation source protection will be created, and will provide periodic recommendations to Congress and the NRC regarding the regulations associated with the safety and security of radiation sources.
- 5) The NRC must promulgate regulations to assume regulatory authority, which it does not currently have, over naturally-occurring and accelerator-produced radioactive materials that could be used to make a dirty bomb.
- 6) The Department of Energy (DOE) must report to Congress regarding the status of nuclear fuel and radiation sources exported by the U.S. Government to other countries, must reacquire these materials with priority given to those that are viewed as being least secure, and funds are authorized at levels of \$80 million/year for the next 5 years for these activities.

"Fedex does a better job at tracking a pair of socks ordered from a catalog than the NRC does at tracking radioactive materials," said Representative Markey. "We need to address this dangerous lack of control over these harmful materials and pass this legislation before the next tragedy happens."

The legislation builds on bills that Senator Clinton and Representative Markey introduced this legislation in the 107<sup>th</sup> and 108<sup>th</sup> Congress. They will work in both Chambers of Congress to try and enact the legislation this year.

For a copy of the legislation or more information regarding Rep. Markey's other work in the area of the security of materials that could be used to make a dirty bomb, please see [www.house.gov/markey](http://www.house.gov/markey).

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